IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 2ND NOVEMBER 2007 / 11TH KARTHIKA 1929

WP(C).No. 32643 of 2007(J)

PETITIONER:

SANJEEV PHILIP,
ALUMMOOTTIL HOUSE, KARUKALCHAL,
NEDUNGADAPALLY P.O., CHANGANACHERRY.

BY ADV. SRI.BECHU KURIAN THOMAS
SRI.PAUL JACOB (P)

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY, DEPARTMENT OF TRANSPORT, GOVERNMENT OF KERALA,THIRUVANANTHAPURAM

2. THE TRANSPORT COMMISSIONER,
DEPARTMENT OF TRANSPORT, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.

3. THE JOINT REGIONAL TRANSPORT OFFICER,
CHANGANACHERRY.

4. LAISON ANTONY,
KUNNIPARAMBIL HOUSE, FATHIMAPURAM P.O.,
CHANGANACHERRY.

5. P.P. AKBAR,
PUTHUPARAMBIL THANUJA MANZIL, FATHIMAPURAM P.O.,
CHANGANACHERRY.

BY GOVERNMENT PLEADER SMT.M.K.PUSHPALATHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 32643 OF 2007 J
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Dated this the 2nd day of November, 2007

J U D G M E N T

This writ petition has been filed seeking to quash the auction held on 31/10/2007 pursuant to Ext.P2 notice and the allotment of the fancy number KL-33-7777.

2. It is stated by the petitioner that by Ext.P2, he was intimated of the auction and was requested to be present in the office of the 3rd respondent on 31/10/2007. Though the counsel for the petitioner submits that he was present in response to Ext.P2, but not permitted to participate in the auction, petitioner has not placed anything on record to infer that he had in fact gone to the venue of the auction responding to Ext.P2. It is true that the petitioner has stated that he has gone there, but then, in the absence of any acceptable evidence, I am not willing to act only by the averments made. On the other hand, if the petitioner has not gone there, there cannot be any wrong in the allotment that has been made. In the absence of any satisfactory proof of the petitioner's presence at the venue of auction, I am not willing

to entertain the writ petition or pass any order in his favour. Writ petition fails and is dismissed.

This view I have taken, is based on the facts of the case as presented in the writ petition and it shall be without prejudice to the right of the petitioner to move Civil Court for appropriate reliefs, where he can adduce evidence and produce documents in support of his contentions.

ANTONY DOMINIC, JUDGE.

Rp